

Request for Proposals (RFP)  
to Prepare an Environmental Impact Statement (EIS)  
for the NiSource Habitat Conservation Plan (HCP)

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In 2005, NiSource, Inc. (hereinafter referred to as “NiSource”) approached the U.S. Fish and Wildlife Service (FWS) seeking to explore the feasibility of developing a multi-species/multi-state habitat conservation plan (HCP) that would provide conservation benefits to federally listed species and accommodate NiSource’s construction, operation and maintenance of natural gas pipelines and ancillary facilities. NiSource believes that an HCP would provide the best vehicle for harmonizing the conservation needs of threatened and endangered species with NiSource’s regulatory compliance obligations under the Endangered Species Act (ESA). If successful, the approach would integrate NiSource’s natural gas pipeline activities with the conservation goals of listed species, thus reducing conflicts between listed species protection and economic development, and streamlining ESA consultation procedures for both NiSource and the FWS.

The FWS has determined that an Environment Impact Statement (EIS) must be prepared pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321-4347) (NEPA). This process is necessary prior to making a decision on a potential Section 10 permit action for NiSource, in accordance with 50 CFR parts 13, 17.22, 17.32, and 222.307.

By way of this RFP, NiSource is soliciting proposals for the preparation of an Environmental Impact Statement (EIS) and related documents and services to address its proposed HCP, specifically described in Section 1.2. This process is necessary prior to making a decision on an Endangered Species Act (Section 10) permit action resulting from the NiSource HCP, in accordance with 50 CFR parts 13, 17.22, 17.32, and 222.307.

The EIS will be prepared under a third-party contractor arrangement with NiSource as the Applicant and the U.S. Fish and Wildlife Service (FWS) as the lead Federal agency for the National Environmental Policy Act (NEPA) process. The FWS will be responsible for providing technical direction to the third-party contractor during the preparation of the EIS and related documents. A contract will be executed pursuant to the third-party contracting procedures set forth in 40 CFR 1506.5(c). When a third-party contractor prepares an EIS, the consultant shall prepare a disclosure statement for inclusion in the draft and final EIS to ensure the avoidance of any conflict of interest.

As the Applicant, NiSource is soliciting proposals through this RFP for a third-party contractor to provide the services described in section 2.0. The technical and cost proposals will be initially reviewed and evaluated by NiSource who will then submit the top three proposals to FWS staff. FWS staff will make the final selection of the third-party contractor, based on its independent review of the technical, managerial, and personnel aspects of each proposal. Upon selection of the third-party contractor, NiSource will finalize a contract with and fund the successful contractor for the preparation of this third-party EIS and attendant activities. NiSource will be responsible for answering any questions from non-selected bidders. Bidders who are not selected are not permitted to solicit an explanation from FWS staff.

Once a third-party contractor is selected, FWS staff will direct the activities of the contractor in the preparation and processing of the EIS within the scope identified herein.

NiSource will have no control over nor direct the activities of the contractor. Appropriate regulatory agencies in affected states will be invited and encouraged to participate in the NEPA process.

## 1.1 NiSource Operations

The Gas Transmission & Storage units of NiSource Inc. (NiSource) operate a 17,500-mile network of interstate natural gas pipelines, offering natural gas transportation and storage services in 17 states. The company, one of the largest in North America, delivers annually about one trillion cubic feet of gas to 72 local distribution companies and several hundred gas end-users in southern, northeastern, mid-western and mid-Atlantic states.

Each year, NiSource undertakes numerous projects across its system to repair, upgrade, replace and expand its natural gas infrastructure. These projects nearly always are located in habitat which could trigger the provisions of the Endangered Species Act.

Due to the longitudinal nature of an interstate natural gas pipeline which crosses multiple state boundaries and varied landscapes, history has shown work in and around pipeline facilities has a temporary and for the most part, negligible impact on endangered species or their habitat. Further, history also shows that compliance with the ESA carries a significant budgetary and administrative impact for the pipeline as well as the U.S. Fish and Wildlife Service and the state agencies responsible for endangered species conservation.

In 2005, the company initiated discussions with the Service regarding the provisions in Section 10 of the Endangered Species Act as it related to the effects on NiSource projects and normal operation and maintenance of the pipeline system.

In these discussions, a consensus was reached that the Service and NiSource could develop a comprehensive multi-state, multi-region Habitat Conservation Plan (HCP) that would extend to all federally protected species.

The conceptual ITP would allow NiSource to perform routine operation and maintenance of its pipeline infrastructure, and potentially also apply to new project work in existing right of ways or adjacent to the right of way.

Pursuant to Section 10 of the ESA, an “incidental take permit” (ITP) granted by the Service would give NiSource endangered species coverage to perform its day-to-day routine activities necessary to maintain its pipeline system without additional filings with the Service. Such an ITP would be issued by the Service, based upon the activities provided in the HCP and the resulting impact quantification with the NEPA document. In addition to the HCP and the NEPA assessment, NiSource will develop and file a mitigation package which will satisfy the potential impact determination.

ITP coverage will apply to all necessary pipeline work within a 1 mile-wide corridor (basically one-half mile on either side of the centerline of the pipe or from the center point of any ancillary facility).

A comprehensive HCP would allow NiSource to redirect dollars now dedicated toward ESA compliance toward mitigation activity which could result in greater amounts of habitat for protected species. Dollars that are now spent for administrative purposes could be utilized to protect habitat in a tangible way. This would create a greater sense of assurance from both the perspective of NiSource as well as the Service that all requirements related to endangered species are being fulfilled. A comprehensive HCP allows both the Service and NiSource to use resources more efficiently and productively without sacrificing the protection of endangered species.

## 1.2 Available Data

Appendix A provides a list of available background documents for this Project. Proposals submitted in response to this RFP should clearly demonstrate an understanding of the extent of that information. Maps of the proposed project are also appended to the document.

## 1.3 Schedule

The timeline below is for illustration purposes only and represent a schedule where the cooperating agency plays a major role in the document preparation. Applicants are encouraged to suggest areas where time savings may be achieved. However, the schedule for the completion of the environmental document is under the control of the FWS. Applicant-proposed dates will be considered in light of FWS staff workload and regulatory requirements as the draft RFP is being reviewed.

Adherence to any schedule is essential. Assuming NiSource responds expeditiously and completely to data requests, the schedule (in calendar days) is as follows. Note that contract deliverables are designated with the symbol "►".

### Third-Party Contractor Selection

- Send out RFP to contractors: (day 1)
- Hold contractors' conference: (day 6)
- Submit proposals to NiSource: (day 17)
- Oral presentations by contractors: (day 28)
- Submit top three technical proposals to FWS: (day 36)
- FWS selects contractor: (day 50)
- Complete contract negotiations with NiSource: (day 54)

## EIS Preparation

- Complete contract negotiations with NiSource: (day 0)
- ▶ Submit Notice of Intent and mailing list to FWS: (day 7)
- ▶ Hold EIS Scoping Meeting(s): (day 30-42)
- ▶ Submit Preliminary Draft EIS (PDEIS) and draft Biological Assessment, if needed, to FWS: (day 174)
- FWS returns PDEIS and draft Biological Assessment to contractor: (day 205)
- ▶ Distribute Draft EIS (DEIS) to FWS and Cooperating Agencies; return revised Biological Assessment to FWS: (day 214)
- ▶ Submit Federal Register Notice to FWS: (day 254)
- FWS returns DEIS to contractor: (day 268)
- ▶ Submit camera-ready Draft EIS to FWS: (day 275)
- FWS sends Draft EIS to printing: (day 289)
- FWS mails Draft EIS and files with EPA: (day 303)
- 45-day public comment period begins: (day 311)
- ▶ Hold public meetings to receive comments: (day 343-357)
- End of public comment period: (day 356)
- ▶ Submit Preliminary Final EIS (PFEIS) to FWS: (day 388)
- ▶ Submit Federal Register Notice to FWS: (day 396)
- FWS returns PFEIS to contractor: (day 406)
- ▶ Submit camera-ready Final EIS to FWS: (day 413)
- FWS sends Final EIS to printing: (day 427)
- FWS mails Final EIS: (day 441)

### 1.4 Letter of Intent

Third-party contractors shall submit a Letter of Intent before the Contractors' Conference to offer a proposal to NiSource at the e-mail address or regular mail address listed in Section 3.12. Those submitting a Letter of Intent will receive amendments to this RFP, if any, and copies of any written material from the Conference as described in Section 1.6. This letter will facilitate the distribution of written information but does not obligate the contractor to submit a proposal.

### 1.5 Contractors' Conference

A Contractors' Conference will be held by NiSource and the FWS on (conference date), beginning at (conference time). At the conference, questions will be answered by

NiSource and the FWS. Contractors who submit a Letter of Intent and who do not attend the conference will be notified of any modifications and receive a copy of the minutes of the meeting within two (2) days of the meeting if an e-mail address or telephone facsimile number is provided. Otherwise, minutes of the meeting will be sent via regular mail.

The purpose of this conference will be to answer contractors' questions about the RFP; provide copies of any other information to be used in the submission of a proposal; and entertain requests for other background documents, which may be available for use during the preparation of the proposal but were not sent to contractors.

All third-party contractors are strongly encouraged to attend this conference since this is the only opportunity to receive responses to questions. Telephone calls are not permitted; no questions related to this RFP will be answered in any forum other than at the contractors' conference. All questions must be answered at the conference so that all participants have equal access to the responses.

## 2.0 SERVICES REQUIRED

The third-party contractor will be responsible for coordinating with the FWS staff in conducting the NEPA review, preparing the EIS, and completing related work within the agreed-upon schedule and approved budget. It will be the contractor's responsibility to notify NiSource if the work effort ultimately required by the FWS staff exceeds the work effort on which the bid was based or the approved budget. The third-party contractor will be responsible for satisfactory completion of the following tasks:

### 2.1 Document Preparation

Preparation of all project-related documents, reports, and notices required by FWS staff. In addition to paper copies, all materials must be provided to the FWS staff on compact disks in Microsoft Word format, or as otherwise agreed to by the FWS staff. Any required databases (such as mailing lists) must be Microsoft Access compatible. The camera-ready DEIS and FEIS will be provided as pdf files as specified by the FWS staff in addition to hard copy.

### 2.2 Public Involvement

Preparation of notices and presentation materials for public scoping meetings and public comment meetings on the EIS. These tasks will require close coordination with FWS staff. Required work will include arranging for meeting places, placing notices/announcements in the appropriate news media (local newspapers, radio stations, etc.), developing materials for meetings, participating in meetings, and preparing reports summarizing the results of the scoping meetings/process and public meetings on the EIS. The contractor will prepare a summary of agency scoping comments/issues for subsequent agency review and concurrence. Assume at least (anticipated number)

scoping meetings and public comment meetings will be conducted. Potential locations for these meetings are as follows: (list potential locations).

### 2.3 Mailing Lists

Preparation and maintenance of a computerized mailing list of agencies, officials, community/environmental groups, concerned citizens, affected property owners and known interested parties. NiSource and the FWS will provide the initial agency and affected property owners list.

### 2.4 Studies and Investigations

Characterization of existing environmental conditions, incorporation of issues identified during scoping, assessment of the significance of the potential environmental effects of the proposed project, identification of potential site, route and facility location alternatives, (both locally and regionally) and determination of mitigation necessary to avoid or reduce impacts to acceptable levels for the environmental topics listed in section 2.5 (below). This list may be amended from time to time in order to better satisfy the requirements under NEPA and their implementing regulations.

Studies shall take into account both direct and indirect affects of project facility construction, operation and maintenance, upset conditions, and abandonment for all proposed and alternative project facilities. Special expertise may be needed for areas of non-routine environmental sensitivity (such as marine environments). Note: use of any data sources not in the public record must be approved by the FWS.

### 2.5 Scope of the EIS

The general scope of the EIS will be determined through the scoping process and must meet the requirements of NEPA, other applicable federal laws and regulations, FWS policy guidance, and any additional requirements of FWS staff. The EIS shall include, but not necessarily be limited to, the following sections:

1. Cover Sheet
2. Executive Summary (including Impact Summary Table)
3. Introduction
4. Description of Proposed Project and Alternatives
5. Affected Environment
6. Environmental Consequences (including Cumulative Impacts)
7. Comparison of Alternatives
8. Conclusions (including summary of unavoidable significant adverse effects) and Recommendations (mitigation measures, including mitigation monitoring plan)
9. Agencies and Sources Consulted
10. List of Preparers and Contributors
11. References
12. EIS Distribution List

13. Index
14. Comments and Responses (Final EIS only)
15. Appendices and Technical Reports (i.e., Essential Fish Habitat Assessment, etc.)

In conjunction with FWS staff, the third-party contractor will be responsible for identifying and assessing potential alternatives to the proposed project that are capable of meeting the HCPs goals and objectives, and are sufficient to meet the requirements of NEPA, including reducing potentially significant effects associated with the proposed project and fostering informed decision-making.

The Description of the Proposed Project and Alternatives should include, at a minimum, the following subsections:

1. Purpose and Need for Action
2. Approvals to be sought through Use of the EIS
3. General Operation and Maintenance
  - Vegetation Management
  - Mowing
  - Tree-Clearing & Side-Trimming
  - Herbicide Application
  - Pipeline & Appurtenant Facility Operation, Maintenance, Monitoring, and Inspection
  - Operation, Maintenance and Monitoring
  - Inspections
  - Coastal Area Maintenance
4. Ancillary Facilities
5. General Design Parameters
6. Construction Methods
  - Pipeline Construction
  - Clearing and Grading
  - Installation of Temporary Erosion and Sediment (E&S) Control Devices and Best Management Practices (BMPs) Trenching
  - Stringing, Bending, Welding, and Inspection
  - Lowering-in and Backfilling
  - Hydrostatic testing
  - Final ROW Stabilization and Restoration
  - Coastal Area Construction
  - Storage Well Construction
  - Appurtenance and Cathodic Protection
  - Compressor Related Facilities Construction
  - Access Roads
7. Construction Schedule and Work Force
8. Operation and Maintenance Procedures
9. Abandonment Procedures
10. Interrelationships with Other Planned Projects and Nonjurisdictional Facilities
11. Alternatives (including No Action)



The majority of this information will be available in the HCP and related documents. The third-party contractor shall review this information for accuracy and adequacy to meet the needs of NEPA for the preparation of an EIS, and prepare a data request to NiSource (routed through the FWS staff) requesting any other data that may be needed.

The EIS should fully address the following resource topics (as applicable):

1. Geology and Mineral Resources
2. Soils (including erosion control and restoration/revegetation)
3. Water Resources (surface water and groundwater hydrology and quality)
4. Biological Resources (including wildlife, vegetation, wetlands, aquatic biology, essential fish habitat, and threatened and endangered species)
5. Land Ownership, Land Use, and Recreation
6. Socioeconomics
7. Visual Resources/Aesthetics
8. Air Quality
9. Noise
10. Cultural and Paleontological Resources
11. Public Safety

## 2.6 Maps

Contractor is responsible for preparing maps showing the location of all project facilities and related areas of disturbance, and pertinent biological resource data. NiSource will be responsible for developing all maps requested by the third-party contractor. The scale of the supporting maps will normally range from 1:24,000 to (identify larger scale), depending on the complexity/sensitivity of the resources potentially affected and project specifics.

## 2.7 Quality Control

Contractor will maintain ongoing review of potential environmental issues and assessment of adequacy of overall scope of the environmental analysis. FWS staff shall be advised immediately of any potential data gaps or analysis shortcomings.

## 2.8 Site Reviews

Contractor will arrange with NiSource to participate in inspections of the proposed covered areas, facility locations, etc., with FWS staff. This may occur in conjunction with the scoping meetings.

## 2.9 Response to Comments

Contractor will analyze all public comments and prepare draft responses to comments on the PDEIS, DEIS, and FEIS, and related documents.

## 2.10 Printing/Distribution of Document

Prepare camera-ready copies of the PDIS, DEIS and FEIS and any required notices for submission to FWS staff for printing and mailing. For purposes of proposal preparation, assume that the contractor will print and distribute at least (25) copies of the preliminary documents (PDEIS and DEIS) to cooperating agencies (the actual number of preliminary documents needed will be determined based on consideration of cooperating agencies' needs).

## 2.11 Project Management

Contractor will develop and maintain a formal project management system to allow for weekly or biweekly, as mutually agreed, tracking of schedule and budget status for the prime contractor and any subcontractors.

2.12 Prepare a Biological Assessment, if appropriate.

2.13 Prepare an Essential Fish Habitat Assessment, if appropriate.

## 3.0 PROPOSAL REQUIREMENTS

If a contractor provides a Letter of Intent to bid on the RFP, and subsequently does not intend to submit a proposal, the contractor shall notify NiSource as soon as possible, but in any event no later than (number) days prior to the proposal due date. Contractors shall also return all materials to NiSource. Contractors must provide (number) copies of the technical proposal and cost estimate; NiSource will coordinate distribution, and ultimately provide FWS staff with two copies of the top-rated proposals. Cost estimates must be submitted in separate sealed envelopes labeled "COST ESTIMATE." The proposal is limited to (50) pages (single-sided, space and a half). All materials should be easily readable. The proposal should be concise, well organized and contain the following information in the order presented below:

### 3.1 Introduction

Explain the contractor's understanding of the project and a summary of the contractor's qualifications for this project in one or two pages. Because the project is located in multiple states, qualifications for assessing impacts to the environment of this region of the country should be highlighted.

### 3.2 Technical Approach

Present both an overall technical approach for the preparation of the EIS and the approach proposed for individual technical areas and tasks. Include any recommendations to improve the scope (including rationale) and reflect those recommendations in the cost estimate.

### 3.3 Project Organization and Management Approach

Describe the proposed project organization, with an organization chart including positions, responsibilities and reporting relationships. The senior specialist and/or subcontractor(s) with responsibility for each resource area must be identified and their locations specified. These key personnel shall not be reassigned within the project or to other projects without prior written approval from FWS staff.

Describe the proposed management scheme for the project, with a discussion of where the work will be done and where each key person and subcontractor presently resides. Provide the proposed mechanisms for communication, reporting, technical direction and control, cost control, schedule control, quality control, quality assurance and control of subcontractors.

### 3.4 Qualifications and Experience

Describe qualifications and prior experience in completing similar NEPA compliance projects, particularly pipeline operation, maintenance, and construction or other linear facility projects. Emphasize prior work experience with the FWS, including any HCPs, or other endangered species-related projects, work with state agencies, major relevant construction projects involving significant biological resources, and the geographical areas of the work. Discuss the contractor's understanding of FWS requirements for projects under ESA and NEPA, as reflected in regulation and current policies.

Statements of qualifications and prior experience should be provided not only for the contractor, but also for the key personnel and subcontractors that will be assigned to the project, along with their specific experience with the type of project under consideration. The past, current, and proposed use of small and small disadvantaged owned business enterprises by the contractor should be described.

### 3.5 Project Schedule

Submit a proposed schedule delineating dates for completion of major work tasks specified in Section 2.5 of this RFP. The selected contractor's proposal must address the completion dates as specified in Section 1.4 of this RFP. Any suggested modifications to this schedule must be presented with reasons for the changes. Note, however, that the ultimate schedule will be determined by FWS staff.

It is important that contractors demonstrate to NiSource and FWS staff that ample resources exist to meet the project schedule. If a contractor has multiple EIS obligations underway concurrently, it must clearly show separate resources or provide convincing evidence that it can meet the schedule.

### 3.6 References

List and describe three successfully completed or in-progress projects of a similar nature with the name and phone number of the client's project manager. Additionally, list three client references specifically for the proposed project manager.

### 3.7 Conflicts of Interest and Critical Energy Infrastructure Information

Identify possible conflicts of interest that may require investigation by FWS staff. Include a discussion of all work completed by the contractor for similar work on HCP/ESA-related projects within the last 3 years. Pursuant to 40 CFR 1506.5(c), contractor selection is based on ability and absence of conflicts of interest. The contractor must also submit a Critical Energy Infrastructure Information (CEII) Non-Disclosure Agreement for itself and each subcontractor used.

### 3.8 Resumes

Resumes may be submitted as an attachment to the proposal or as a separate volume. All resumes should be limited to two pages and must include the institution and date of graduation for all academic degrees, as well as a summary of relevant work experience and the specific dates of performance.

### 3.9 Cost Estimate

NiSource will identify the type of contract, such as time and materials, cost plus, etc., and provide additional guidance on how the cost of the contract is to be estimated. Since the specific dates and number of field teams required are strictly estimates, each contractor shall submit a daily crew billing rate and expense rate sheet. NiSource will compensate the contractor based upon the actual crews and hours worked. All preparation and processing of documents, NEPA review, EIS submission, and any other costs not associated with the daily crew rate shall be submitted as a fixed-price proposal with an attached cost breakdown. NiSource understands that there may be out-of-scope requirements for the completion of this project and any resultant costs will be handled between the contractor and the applicant under the provisions of the contract.

Any limiting assumptions used to prepare the cost estimate should be clearly specified in the proposal. Also include a rate schedule that will apply to the project for any work beyond the scope stated in this RFP. Assume that NiSource, through FWS staff, will provide the successful contractor with all environmental information available to FWS, including base maps, air photos, and computerized mailing lists of agencies, officials, community/environmental groups, concerned citizens, affected property owners and known interested parties at the time that contract negotiations are completed.

### 3.10 Available Materials

Appendix A presents a list of documents available from NiSource and the FWS that should assist contractors in preparation of their proposals. Please contact (name and telephone number of NiSource contact) to arrange for review of these documents. Note

that NiSource will only entertain questions about this RFP at the Contractor's Conference discussed in Section 1.6.

### 3.11 Sample Contract (provided by NiSource)

Appendix B to this RFP presents a sample NiSource contract. Contractors are asked to review this contract and point out any difficulties with contract language in their proposal. The FWS may not be contacted on any contractual issue. The proposal must indicate the contractor's review and acceptance of the contract or identify issues which require resolution during negotiations. Issues raised after submittal of the proposal will not be subject to negotiation. The person(s) authorized to negotiate on behalf of the contractor should be identified. NiSource, in consultation with FWS staff, reserves the right to reject any or all submittals.

### 3.12 Addresses

Submit Letters of Intent via e-mail or facsimile to:  
(contact name, e-mail/facsimile address, etc.)

Submit Technical Proposals and Cost Estimates to:  
(contact name, mailing address, phone number, etc.)

Technical Proposals and Cost Estimates should be submitted to:  
(applicant name) by (time and date).

## 4.0 SELECTION CRITERIA

Only those proposals submitted by contractors prior to the deadline stated herein will be evaluated. The proposals will be initially reviewed by NiSource, and the three best-qualified proposals will then be submitted to FWS staff. FWS staff will make the final selection of the contractor. NiSource will be responsible for answering any questions from bidders who are not selected.

Criteria for screening to determine the best-qualified proposals will be based on a qualifications appraisal of all proposals submitted.

### 4.1 Qualifications Appraisal

Technical Approach (40 percent)

The proposal must show:

1. familiarity with environmental laws and regulations and procedures for satisfying ESA and NEPA, and related requirements;

2. ability to prepare NEPA documentation for projects involving pipeline or other linear facilities, as appropriate;
3. familiarity with how to proceed in the environmental evaluation of the proposed project, understanding of the available data, identification of possible issues and a description of any needed supplemental analyses;
4. ability to prepare a complete Work Plan that thoroughly addresses the various parts of the RFP, recognizes any pitfalls or shortcomings, and presents innovative approaches for the tasks presented; and
5. ability of the contractor's proposed technical and procedural approach to the preparation of the identified tasks to result in compliance with NEPA and other environmental documentation requirements.

#### Organization Qualifications and Experience (20 percent)

The proposal must show:

1. experience in managing major NEPA reviews for large projects, preferably the same or similar types of projects;
2. past record of the contractor's organization in meeting performance and delivery requirements for similar contracts;
3. resources and facilities available to the organization to fulfill contract requirements, including those of any subcontractor(s) proposed for use;
4. familiarity with the specialized issues and requirements of proposed facility construction; and
5. experience in working with Federal agencies and state agencies on large construction projects involving listed species, particularly in the states in which the NiSource HCP will be located.

#### Project Management and Personnel (20 percent)

The proposal must show:

1. adequacy of contractor's approach for FWS staff interface and for planning and scheduling task activities as presented in the RFP;
2. ability to assign and commit key personnel to the project, and use of appropriate personnel to accomplish specified tasks;

3. ability to satisfy logistical requirements such as materials, transportation, office location(s), document production, computer services and so forth to ensure an effectively managed program;
4. experience, education, and location of the Project Manager;
5. experience, education, and location of the Deputy Project Manager;
6. for the Project Manager and the Deputy Project Manager, experience in working with Federal agencies and state agencies on large environmental/natural gas projects, particularly in the states this HCP project is located
7. experience, education, and location of various key environmental specialists, and any subcontractors proposed for use; and
8. qualifications and experience of the administrative support personnel.

#### Schedule and Work Plan (20 percent)

The proposal must show:

1. demonstrated ability to meet schedule requirements using staff and resources separate from (or not conflicting with) other EIS efforts underway or scheduled for the same time frame;
2. presentation of a detailed Schedule and Work Plan to perform the tasks as presented in the RFP; and
3. adequate support for any schedule changes.

#### 4.2 Oral Presentation

Following review of the proposals, NiSource may request oral presentations from the short-listed bidders. At a minimum, the Project Manager, Deputy Project Manager, and other key technical staff identified in the proposal's organization chart will be required to present their team's capabilities to NiSource. If oral presentations are required, they will be held in (location and date) and the short-listed bidders will be contacted with further details regarding the presentation.

#### 4.3 Selection of the Third-Party Contractor

Upon completion of the oral presentation (if required), each short-listed bidder will be ranked using the qualification appraisal, the oral presentation, and the cost proposal. NiSource will provide FWS staff with the ranking, its rationale for the ranking, and two copies of the top three contractors' proposals, along with the contractors' OCI statements,

CEII non-disclosure agreements, and NiSource's OCI certification of each contractor. FWS staff will then conduct an independent review of the proposals and make a selection. Once FWS staff has notified NiSource of its selection, NiSource will negotiate and fund a contract with the contractor. NiSource will keep FWS staff apprised of the negotiations with the contractor. Once the contract has been executed, the contractor will proceed to work solely under the direction and guidance of FWS staff. Pursuant to 40 CFR 1506.5(c), the responsible official (i.e., FWS staff) "shall furnish guidance and participate in the preparation and shall independently evaluate the [environmental document] prior to its approval and take responsibility for its scope and contents."

APPENDIX A

APPENDIX B